

CAUSE NO. \_\_\_\_\_

THE STATE OF TEXAS,  
Plaintiff

v.

STEVE AYALA CANTU aka GABRIEL  
GARCIA JR., VICENTA AYALA  
CASANOVA, and HUMBERTA DE  
JESUS MONTES aka HUMBERTA DE  
JESUS MONTES AYALA, aka, BERTA  
MONTES, aka HUMBERTA DE JESUS  
Defendants

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

\_\_\_\_\_ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION, REQUEST FOR EX PARTE  
TEMPORARY RESTRAINING ORDER WITH ASSET FREEZE  
AND APPLICATION FOR TEMPORARY AND PERMANENT INJUNCTIONS**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW THE STATE OF TEXAS, Plaintiff in the above-entitled and numbered cause, acting by and through the Attorney General of Texas, GREG ABBOTT, and files this first original petition, complaining of STEVE AYALA CANTU, also known as GABRIEL GARCIA JR., VICENTA AYALA CASANOVA and HUMBERTA DE JESUS MONTES, also known as HUMBERTA DE JESUS MONTES AYALA, also known as BERTA MONTES, also known as HUMBERTA DE JESUS, hereinafter referred to as Defendants, and for cause of action would respectfully show:

**DISCOVERY CONTROL PLAN**

1.1 The discovery in this case is intended to be conducted under Level 2 pursuant to Texas Rules of Civil Procedure Rules 190.2(b)(3) and 190.3.

**NATURE OF THIS SUIT**

2.1 The Attorney General, acting within the scope of his official duties under the authority

granted to him under the Constitution and the laws of the State of Texas, brings this lawsuit in the name of the State of Texas through the Consumer Protection and Public Health Division against Defendants for violations of the Texas Deceptive Trade Practices - Consumer Protection Act, Texas Business and Commerce Code section 17.41, -.904 (hereinafter "DTPA"). The DTPA grants authority to the Attorney General to seek a restraining order, injunctive relief and civil penalties for violations of its provisions. DTPA § 17.47.

### **DEFENDANTS**

3.1 Defendant STEVE AYALA CANTU is an individual that resided in Travis County, Texas, at the time he undertook the actions complained of in this petition. He is the former president of Kennedy Ridge Water Supply Corporation, a non-profit water supply corporation, doing business in Travis County, Texas. Defendant CANTU, acting as president, was able to collect payments intended for Kennedy Ridge Water Supply Corporation and use them for his own personal benefit. Service of process will be perfected when current address is obtained.

3.2 Defendant VICENTA AYALA CASANOVA is an individual who purported to open a business in Travis County, Texas, under the name "Kennedy Ridge Water Sewer Service." She is also the sister of Defendant CANTU. Defendant CASANOVA shared and acted as a signatory on multiple bank accounts that were used to siphon money from Kennedy Ridge Water Supply Corporation. Defendant may be served with process at 2407 Hollis Lane, Cedar Park, TX, 78613.

3.3 Defendant HUMBERTA DE JESUS MONTES, also known as HUMBERTA DE JESUS MONTES AYALA, also known as BERTA MONTES, also known as HUMBERTA DE JESUS is an individual that resided in Travis County, Texas, during the time she undertook most of the actions complained about in this petition. She is the wife of Defendant CANTU and has

shared and acted as a signatory on a bank account that was used to siphon money from Kennedy Ridge Water Supply Corporation. Defendant may be served with process at 2407 Hollis Lane, Cedar Park, TX, 78613.

### **AUTHORITY**

4.1 This Court has jurisdiction over this action pursuant to section 17.47(b) of the DTPA.

### **VENUE**

5.1 The venue of this suit lies in Travis County, Texas, because under DTPA section 17.47(b), Defendants have been doing business in the county of suit.

### **PUBLIC INTEREST**

6.1 Plaintiff has reason to believe that Defendants are engaging in, have engaged in, or are about to engage in, the unlawful acts or practices set forth below, that Defendants adversely affected the lawful conduct of trade and commerce, thereby directly or indirectly affecting the people of this State. Therefore, the Consumer Protection and Public Health Division of the Office of the Attorney General of the State of Texas believes and is of the opinion that these proceedings are in the public interest.

### **TRADE AND COMMERCE**

7.1 Defendants have, at all times described below, engaged in conduct which constitutes "trade" and "commerce," as those terms are defined by Section 17.45(6) of the DTPA.

### **ACTS OF AGENTS**

8.1 Whenever in this petition it is alleged that a Defendants did any act, it is meant that such Defendant performed or participated in the act, or that the officers, agents or employees of such Defendant performed or participated in the act on behalf of and under the authority of such Defendant.

## **NOTICE BEFORE SUIT**

9.1 The Consumer Protection and Public Health Division did not contact Defendants before suit was filed to inform them in general of these unlawful allegations because there is good cause to believe such an emergency exists that immediate and irreparable injury, loss or damage would occur as a result of such delay in obtaining a temporary restraining order, and that Defendants might evade service of process and liquidate ill-gotten assets if prior notice of this suit was provided. If the assets are liquidated, consumers will be unable to recover damages from Defendants.

## **NATURE OF DEFENDANT'S OPERATIONS**

10.1 Defendant, Steve Ayala Cantu was the president of the Kennedy Ridge Water Supply Corporation ("KRWSC"), a non-profit corporation that provides the residents of Kennedy Ridge with retail water and sewer services. Defendant Cantu, with the help of his wife and sister, opened two bank accounts using fictitious company names that were similar to legitimate businesses. The two fictitious companies are "Kennedy Ridge Water Sewer Service" and "Horsby Bend Land Care," which are similar to the legitimate businesses, KRWSC and Hornsby Bend Utility Company ("Hornsby Bend"), the wholesale provider of the water and sewer services to KRWSC. Defendant Cantu's position as president of KRWSC, enabled him to siphon thousands of dollars from Kennedy Ridge residents to the bank accounts of the spurious companies and then use that money for his own personal benefit.

## **EXHIBITS**

11.1 Plaintiff relies on the following exhibits in support of its Petition:

- A. Exhibit A, which is the Affidavit of Chris Flores, an Investigator with the Consumer Protection and Public Health Division of the Office of the Attorney

General of Texas.

- B. Exhibit B, which is the Affidavit of Mary Vinson, an Investigator with the Consumer Protection and Public Health Division of the Office of the Attorney General of Texas
- C. Exhibit C, which is the Assumed Name Records Certificate of Ownership for Kennedy Ridge Water Sewer Service, signed by Steve Cantu and dated November 13, 2006.
- D. Exhibit D, which is the Assumed Name Records Certificate of Ownership for Kennedy Ridge Water Sewer Service, signed by Steve Cantu and dated November 29, 2006.
- E. Exhibit E, which is the Assumed Name Records Certificate of Ownership for Kennedy Ridge Water Sewer Service, signed by Steve Cantu and dated June 15, 2007.
- F. Exhibit F, which is the business signature card pages from the "Kennedy Ridge Water Sewer Service" bank account, account number ending in 56.
- G. Exhibit G, which is a sampling of Kennedy Ridge residents' checks and money orders deposited into the "Kennedy Ridge Water Sewer Service" bank account, account number ending in 56.
- H. Exhibit H, which is the affidavit of Antonio Trujillo, a Kennedy Ridge resident, stating that the money order deposited in the KRWSS account was intended for payment to KRWSC.
- I. Exhibit I, which is the affidavit of Alfonso Mendoza, a Kennedy Ridge resident, stating that the money order deposited in the KRWSS was intended for payment

to KWRSC.

- J. Exhibit J, which is the business signature card and business depository resolution page from the "Horsby Bend Land Care" bank account, account number ending in 00.
- K. Exhibit K, which is a copy of eight different checks from the Kennedy Ridge Water Supply Corporation bank account, account number ending in 25, made out to "Horsby Bend", signed by Steve Cantu and deposited into the "Horsby Bend Land Care" bank account, account ending in 00. The check numbers are 1092, 1096, 1098, 1103, 1110, 1118, 1121 and 1125.
- L. Exhibit L, which is a copy of check 1033 from the "Horsby Bend Land Care" bank account, account number ending in 00, made out to "Wells Fargo Home Mortgage" and signed by Steve Cantu.
- M. Exhibit M, which is a copy of check 1034 from the "Horsby Bend Land Care" bank account, account number ending in 00, made out to "Wells Fargo Home Mortgage" and signed by Steve Cantu.
- N. Exhibit N, which is a copy of check 1019 from the "Horsby Bend Land Care" bank account, account number ending in 00, made out to Demetrio Rebollar and signed by Steve Cantu.
- O. Exhibit O, which is a copy of check 1021 from the "Horsby Bend Land Care" bank account, account number ending in 00, made out to Demetrio Rebollar and signed by Steve Cantu.
- P. Exhibit P, which is a copy of a January 5, 2011 letter from a representative of Nelda Wells Spears, the Travis County Tax Assessor-Collector.

Q. Exhibit Q, which is a copy of check 1032 from the "Horsby Bend Land Care" bank account, account number ending in 00, made out to "Nelda Wells Spears" and signed by Steve Cantu.

### **SPECIFIC FACTUAL ALLEGATIONS**

12.1 Kennedy Ridge Estate is a small community in the northeast corner of Travis County, Texas, that obtains water and sewage services through a resident-managed corporation, KRWSC. Hornsby Bend is the wholesale provider that supplies the water and sewage services to KRWSC for retail distribution to the Kennedy Ridge community. Hornsby Bend bills KRWSC for the overall water usage of the community. In turn, KRWSC bills each Kennedy Ridge resident individually for his/her water/sewer service.

12.2 KRWSC's articles of incorporation provide that the corporation is a non-profit corporation whose purpose is to provide water and sewage service to the residents of Kennedy Ridge. KRWSC adopted bylaws which provided it would be governed by an elected board of directors. The bylaws also provided for the manner by which consumers could purchase a membership into the corporation for the purpose of obtaining water and sewer service from KRWSC. A provision of the bylaws provides for an annual "pay-out" to residents when there is surplus money collected in excess of the operation costs of KRWSC. This surplus is to be paid back to the purchasers of the water services in proportion to their purchase.

12.3 Currently, Kennedy Ridge has approximately 167 water connections to whom it provides water service. Any person seeking to hook up to the Kennedy Ridge water system must sign an agreement with Kennedy Ridge and become a member of the corporation.

12.4 On or about 2003, Defendant Steve Ayala Cantu was elected as President of KRWSC's board of directors. Defendant Cantu was re-elected until he effectively resigned in March of

2010. Throughout his tenure, Defendant Cantu assumed complete control of KRWSC's finances, including the corporation's bank accounts and the corporation's books, despite the fact that KRWSC had an appointed member to act and serve as the Treasurer of the board. Defendant Cantu kept and maintained KRWSC's financial records at his home and retained these records after KRWSC opened its own offices and after Defendant Cantu resigned from the board.

12.5 On two separate occasions, Hornsby Bend mistakenly under-billed KRWSC for the water usage at Kennedy Ridge. This mistake created a surplus of money that KRWSC collected from the Kennedy Ridge residents. When Hornsby Bend learned of these mistakes, it back billed Kennedy Ridge residents and a contract dispute ensued.

12.6 During the investigation of this contract dispute, the Consumer Protection and Public Health Division discovered that KRWSC had not made any pay-outs to residents of the surplus monies collected in the years of Hornsby Bends' billing mistakes. Further, it was discovered that Defendant Cantu's unfettered access to the finances and accounts of KRWSC allowed him to use these funds for his personal benefit.

12.7 Defendant Cantu utilized two different methods to fraudulently acquire the funds. In one instance, Defendant Cantu would directly deposit residents' money orders or checks into a bank account for the fictional company, "Kennedy Ridge Water Sewer Services." This account name was only slightly different from the legitimate KRWSC account, "Kennedy Ridge Water Supply Corp." Both accounts were with JP Morgan Chase Bank but had two different account numbers. After Defendant Cantu acquired this money he would either write checks or conduct debit transactions for things like food, fuel, clothing, and entertainment.

12.8 The other method Defendant Cantu employed to fraudulently obtain money was by creating a bank account for a fictional company entitled "Horsby Bend Land Care." This account



name was extremely similar to Kennedy Ridge's wholesale water supplier, Hornsby Bend.

Defendant Cantu would then write and sign checks from the legitimate KRWSC account to be deposited into the bank account for the fictitious company, "Horsby Bend Land Care," making it appear as if KRWSC was paying the community's wholesale water supplier.

12.9 In November of 2006, Defendant Cantu filed an Assumed Name Records Certificate of Ownership in Travis County for "Kennedy Ridge Water Sewer Service." See Exhibit C. Later he added his sister, Defendant Vicenta Ayala Casanova, and his wife, Defendant Humberta De Jesus Montes. See Exhibits D & E.

12.10 Defendant Casanova opened the bank account using the name "Kennedy Ridge Water Sewer Service" in 2007. See Exhibit F. Later, Defendant Casanova added Defendant Cantu's wife, Defendant De Jesus as a signatory. See Exhibit F. Defendant Cantu was added as a signatory in 2008. See Exhibit F. This account was closed in August of 2009, however Defendant Cantu had already directly deposited \$20,967.80 of Kennedy Ridge residents' money orders and checks into this account. See Exhibits A & G. These checks and money orders were intended to be paid to KRWSC as payment for the water services provided to the residents. See Exhibits H & I. Furthermore, Defendant Cantu withdrew \$24,530.72 from this account for his personal use including meals, fuel, entertainment, clothing, retail shopping and miscellaneous purchases. See Exhibit A.

12.11 In July of 2009 Defendant Cantu opened a bank account under the business name "Horsby Bend Land Care." See Exhibit J. Defendant Cantu was the sole signatory of this account and he directly deposited \$89,804.82 from the legitimate KRWSC bank account into this fictional company's account. See Exhibits A, J & K. Furthermore, Defendant Cantu spent

\$90,333.11 from this account for his personal use including meals, fuel, entertainment, clothing, retail shopping and miscellaneous purchases. See Exhibit A.

### **DTPA VIOLATIONS**

13.1 Defendants, as alleged above, have in the course of trade and commerce engaged in false, misleading and deceptive acts and practices declared unlawful in sections 17.46(a) and (b) of the DTPA as follows:

- A. By failing to deposit residents' water payments into the legitimate KRWSC bank account, and instead, depositing the water payments into bank accounts for spurious companies, Defendants caused confusion as to the association or certification by another, in violation of section 17.46(b)(3) of the DTPA.
- B. By depositing Kennedy Ridge residents' water checks and money orders into bank accounts for fictitious companies, Defendants represented that an agreement conferred or involved rights, remedies or obligations which it did not have or involve, or which are prohibited by law, in violation of section 17.46(b)(12) of the DTPA.
- C. By failing to disclose that funds collected from the consumers for the benefit of KRWSC and the consumers was being used for Defendant Cantu's personal expenses, when such failure to disclose was intended to induce the consumers into purchasing a membership into the corporation, a transaction into which the consumers would not have entered had the information been disclosed, Defendants are in violation of section 17.46(b)(24) of the DTPA.

### **INJURY TO CONSUMERS**

14.1 Because Defendants have engaged in the unlawful acts and practices described above, Defendants have violated the law as alleged in this petition. Unless restrained by this Honorable Court, Defendants will continue to violate the laws of the State of Texas and cause damage to the general public.

**APPLICATION FOR TEMPORARY RESTRAINING  
ORDER AND ASSET FREEZE**

15.1 The State alleges that by reason of the foregoing, and that unless injunctive relief is immediately granted, Defendants will dissipate monies collected from consumers by the use of false, misleading, or deceptive trade practices.

15.2 Thus, the State is requesting that the Temporary Restraining Order, freezing all assets be entered.

15.3 Defendant Cantu has spent all of the money he fraudulently obtained on personal expenses such as meals, fuel, entertainment, clothes and retail shopping. See Exhibit A.

15.4 Defendants are in the practice of transferring their property through quitclaim and warranty deeds. See Exhibit B.

15.5 Defendant Casanova, through a deed of trust, acquired a house at 2407 Hollis Lane, Cedar Park, Texas. See Exhibit B. This house is currently up for sale. See Exhibit B. Exhibit L is a check written by Defendant Cantu to "Wells Fargo Home Mortgage" in the amount of \$1,935.70. The memo line of the check reads "Home." See Exhibit L. This check is from the bank account of the fictional "Horsby Bend Land Care" company. See Exhibit L. Exhibit M is a check written by Defendant Cantu to "Wells Fargo Home Mortgage" in the amount of \$313.68. The memo line of the check reads "principal." See Exhibit M. This check is also from the bank account of the fictional "Horsby Bend Land Care" company. See Exhibit M. In both instances,

Defendant Cantu used the fraudulently acquired funds to make payments on the house located at 2407 Hollis Lane, Cedar Park, Texas. See Exhibits L & M.

15.6 Defendant Cantu acquired a house located at 5804 Caroline Street from Demetrio Rebollar through a warranty deed. See Exhibit B. Exhibit N is a check written to “Demetrio Rebollar” for \$1,000.00 and dated December 10, 2009. The memo line reads “5804 Caroline Ln.” See Exhibit N. Exhibit O is an additional check written to Mr. Rebollar for \$4,000.00 and is dated December 15, 2009, five days after the initial check. The account number on both checks is the same and the money for this house is from the bank account of the fictional “Horsby Bend Land Care” company. See Exhibits N & O. This account was almost exclusively funded through monies funneled out of the legitimate KRWSC account.

15.7 Defendant De Jesus, Defendant Cantu’s wife, is listed in Travis County Tax Assessor-Collector database as owner of a house located at 5511 JFK Street, Austin, Texas. See Exhibit P. On February 26, 2010, Defendant Cantu wrote a check to “Nelda Wells Spears,” Travis County’s Tax Assessor-Collector from the “Horsby Bend Land Care” account. See Exhibit Q. The memo line of the check reads “5511 JFK DR,” the same street address for the house owned by Defendant De Jesus. See Exhibit I. Furthermore, the amount of the check, \$4,688.78, is the same amount of taxes billed for the house located at 5511 JFK Drive, Austin, Texas for 2009. See Exhibit P.

15.8 Unless these assets are frozen, the consumers will have no restitution since Defendant Cantu has dissipated all other monies fraudulently obtained from consumers. See Exhibit A.

15.9 The State of Texas requests that the Court ORDER Defendants, officers, agents, servants, employees, attorneys and any other persons in active concert or participation with them,

including, but not limited to, **all financial institutions** such as Bank of America, Frost Bank, and JP Morgan Chase, holding money in the name and/or for the benefit of the above Defendants, including any accounts for Defendants Cantu, Casanova, or De Jesus are a signatory, who receive actual notice of this order by personal service or otherwise, be restrained from engaging in the following acts or practices:

- A. Transferring, spending, hypothecating, concealing, encumbering, withdrawing, removing, or allowing the transfer, removal, or withdrawal, from any financial institution or from the jurisdiction of this Court, any money, stocks, bonds, assets, notes, equipment, funds, accounts receivable, policies of insurance, trust agreements, or other property, real, personal, or mixed, wherever situated, belonging to or owned by, in the possession of, or claimed by said Defendants, save and except for the expenditure of funds reasonably necessary for the payment of daily necessities and provided that payment of such is not made without prior notice to the Plaintiff and this Court.
- B. Selling, conveying, transferring or changing ownership in any form of the properties located at:
  - i. 2407 Hollis Lane, Cedar Park, Texas 78613 (legal description: S8775-Silverado West PH B Sec 2, Block I, Lot 14);
  - ii. 5804 Caroline Drive, Austin, Texas 78724 (legal description: Lot 9, Block I, Kennedy Ridge Estates, Section 2, Plat Number 27/8); and
  - iii. 5511 JFK Street, Austin, Texas 78724 (legal description: Lot 6 Blk C Kennedy Ridge Estates Sec 1);
- C. Destroying, altering, mutilating or otherwise disposing of or changing any records related to any Defendant or entity in which any Defendant has an ownership

interest or removing from the jurisdiction of this Court any books, records, documents, invoices or other written or computer generated materials relating to any Defendant or entity in which Defendant has an ownership interest except in response to further orders or subpoenas in this case;

- D. Opening or causing to be opened any safe deposit boxes or storage facilities titled in the names of Defendants, or subject to access, ownership or control by Defendants, without providing Plaintiff and the Court prior notice by motion seeking such access;
- E. Transferring, spending, encumbering, withdrawing or removing any sum of money from the "Kennedy Ridge Water Sewer Service" bank account or the "Horsby Bend Land Care" bank account or from any other such account(s) where monies or proceeds from the Kennedy Ridge Water Supply Corporation bank account (account number ending in -25) have been placed or deposited or any other such accounts(s) where monies or proceeds from the Kennedy Ridge Estate's residents water and sewer payments have been placed or deposited;
- F. Transferring, encumbering or otherwise disposing of any assets which belongs to or was transferred from Kennedy Ridge Water Supply Corporation;
- G. Transferring, encumbering, or otherwise disposing of any assets which were paid for in whole or in part by monies obtained from Kennedy Ridge Water Supply Corporation.
- H. Selling, conveying, transferring or changing ownership in any form of the trailer that is property of Kennedy Ridge Water Supply Corporation, title number 22733137849141832;

15.10 Direct Order to be filed on property records in both Travis County and Williamson County showing freeze on sale of property.

15.11 Direct Order to be filed on the trailer, title number 22733137849141832, with the Litigation Department of the Texas Department of Motor Vehicles.

15.12 For the reasons set forth above, the STATE OF TEXAS requests a Temporary Restraining Order; and after notice and hearing, Temporary and Permanent Injunctions as set out below, as authorized pursuant to section 17.47(a) of the DTPA.

15.13 The State is exempt from filing a bond for a temporary restraining order or temporary injunction under section 6.001 of the Texas Civil Practice and Remedies Code.

#### **PRAYER**

16.1 WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited according to law to appear and answer herein; that before notice and hearing a TEMPORARY RESTRAINING ORDER be issued; that after due notice and hearing a TEMPORARY INJUNCTION be issued; and upon final hearing a PERMANENT INJUNCTION be issued restraining and enjoining Defendants and by their agents, servants, employees, and representatives from making the representations, doing the acts, and engaging in the practices set out in the proceeding paragraphs as well as from making the following representations and doing the following acts and engaging in the following practices in the pursuit and conduct of trade or commerce within the State of Texas, as follows:

- A. Transferring, spending, hypothecating, concealing, encumbering, withdrawing, removing, or allowing the transfer, removal, or withdrawal, from any financial institution or from the jurisdiction of this Court, any money, stocks, bonds, assets, notes, equipment, funds, accounts receivable, policies of insurance, trust

agreements, or other property, real, personal, or mixed, wherever situated, belonging to or owned by, in the possession or custody of, standing in the name of, or claimed by said Defendants, however, Defendants are not prohibited from expending monies for reasonable living expenses and attorney fees from other accounts standing in their names provided that Plaintiff and the Court are given prior notice by motion seeking to make such expenditures;

- B. Selling, conveying, transferring or changing ownership in any form of the properties located at:
- i. 2407 Hollis Lane, Cedar Park, Texas 78613 (legal description: S8775-Silverado West PH B Sec 2, Block I, Lot 14)
  - ii. 5804 Caroline Drive, Austin, Texas 78724 (legal description: Lot 9, Block I, Kennedy Ridge Estates, Section 2, Plat Number 27/8); and
  - iii. 5511 JFK Street, Austin, Texas 78724 (legal description: Lot 6 Blk C Kennedy Ridge Estates Sec 1);
- C. Transferring, concealing, destroying, altering, mutilating or otherwise disposing of or changing any records related to any Defendant or entity in which any Defendant has an ownership interest, or removing from the jurisdiction of this Court any books, records, documents, invoices or other written or computer generated materials relating to any Defendant or entity in which any Defendant has an ownership interest except in response to further orders or subpoenas in this case;
- D. Opening or causing to be opened any safe deposit boxes or storage facilities titled in the names of Defendants, or subject to access, ownership or control by Defendants, without providing Plaintiff and the Court prior notice by motion seeking such access;



- E. Transferring, spending, encumbering, withdrawing, or removing any sum of money from any accounts specifically referenced in paragraph 1.A. of this order or from any other such account(s) where monies or proceeds from the Kennedy Ridge Water Supply Corporation bank account (account number ending in -6025) have been placed or deposited or any other such account(s) where monies or proceeds from the Kennedy Ridge Estate's residents water and sewer payments have been placed or deposited;
- F. Transferring, encumbering, or otherwise disposing of any assets which belongs to or was transferred from Kennedy Ridge Water Supply Corporation.
- G. Transferring, encumbering, or otherwise disposing of any assets which were paid for in whole or in part by monies obtained from Kennedy Ridge Water Supply Corporation;
- H. Selling, conveying, transferring or changing ownership in any form of the trailer that is property of Kennedy Ridge Water Supply Corporation, title number 22733137849141832.

16.2 Plaintiff further requests that Plaintiff be granted leave to take telephonic, video, written, and other depositions prior to any scheduled temporary injunction hearing upon reasonable shortened notice to Defendants;

16.3 In addition, Plaintiff respectfully requests that this Court will:

- A. Adjudge against Defendants civil penalties in favor of Plaintiff in the amount of not more than \$20,000.00 per violation of the DTPA;
- B. Order Defendants to restore all money or other property taken from identifiable persons by means of unlawful acts or practices, or in the alternative, award

judgment for damages to compensate for such losses;

- C. Order Defendants to pay all costs of Court, costs of investigation, and reasonable attorney's fees pursuant to Tex. Govt. Code Ann. section 402.006(c);
- D. Adjudge against Defendants prejudgment and post judgment interest at the highest lawful rate; and
- E. Adjudge that all fines, penalties or forfeitures payable to and for the benefit of the State are not dischargeable under bankruptcy pursuant to 11 U.S.C. section 523(a)(7);

16.4 Finally, Plaintiff respectfully requests that this Court grant all other relief to which Plaintiff may be justly entitled.

Respectfully submitted,

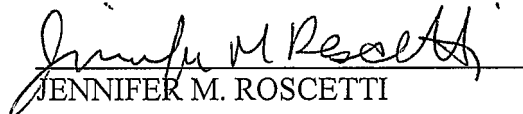
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